

## Environmental Protection Agency

## § 168.69

(ii) State the name and address of one or more retail dealers who stock the pesticide.

(iii) Contain a prominent notice of the limitations on use under the section 18 emergency exemption.

(3) Any pesticide for any use authorized only by a FIFRA section 24(c) special local need registration, unless the advertisement contains a prominent notice of the limitations on use under the section 24(c) registrations.

(4) Any unregistered pesticide for any use unless the advertisement is one permitted by paragraph (b) (2) or (3) of this section.

(5) A registered pesticide product for an unregistered use, unless the advertisement is one permitted by paragraph (b) (2) or (3) of this section. However, as a matter of policy, the Agency will not regard as unlawful the advertisement of uses permitted by FIFRA section 2(ee) provided the product is not an antimicrobial pesticide targeted against human pathogens (see 51 FR 19174; May 28, 1986).

(c) For purposes of paragraph (b) of this section, a “prominent notice of the limitations on use” is one which sets forth the limitations on use in a manner reasonably likely to be understood by persons to whom the advertisement is addressed. For printed advertising, this criterion will be met by a legend in 6-point or larger type.

### Subpart C [Reserved]

### Subpart D—Export Policy and Procedures for Exporting Pesticides

SOURCE: 58 FR 9085, Feb. 18, 1993, unless otherwise noted.

#### § 168.65 [Reserved]

#### § 168.66 Labeling of pesticide products and devices intended solely for export.

(a) This subpart describes the labeling requirements applicable to pesticide products and devices that are intended solely for export from the United States under the provisions of FIFRA section 17(a). The requirements for pesticide production reporting, recordkeeping and inspection and pur-

chaser acknowledgement provisions can be found in the following parts:

(1) Pesticide production reporting requirements under FIFRA section 7 are located in part 167 of this chapter (as referenced in § 168.85(b));

(2) Recordkeeping and inspection requirements under FIFRA section 8 are located in part 169 of this chapter (as referenced in § 168.85(a));

(3) Purchaser acknowledgement statement provisions under FIFRA section 17(a) are located in § 168.75.

(b) The labeling of pesticide products and devices intended solely for export must comply with the requirements in § 156.10(a)(4) of this chapter.

(c) The labeling of pesticide products and devices intended solely for export must comply with this regulation no later than January 21, 2014.

[78 FR 4077, Jan. 18, 2013]

#### § 168.67 Definitions.

Terms used in this subpart have the same meanings as in the Act and as in § 152.3 of this chapter, unless otherwise defined in this section.

*Export pesticide device* means a device, as defined in FIFRA section 2(h), that is intended solely for export from the United States to another country.

*Export pesticide product* means a pesticide product, as defined in § 152.3 of this chapter, that is intended solely for export from the United States to another country.

[78 FR 4077, Jan. 18, 2013]

#### § 168.68 Applicability.

This subpart applies to all export pesticide products and export pesticide devices that are exported for any purpose, including any research purpose.

[78 FR 4077, Jan. 18, 2013]

#### § 168.69 Registered export pesticide products.

(a) Each export pesticide product that is registered under FIFRA section 3 or FIFRA section 24(c) must bear labeling approved by EPA for its registration and comply with the requirements of § 168.66(b).

(b) For the purposes of this subpart, a registered export pesticide product is considered to be any of the following:

## § 168.70

## 40 CFR Ch. I (7–1–13 Edition)

(1) A pesticide product of composition, packaging and labeling as described in its registration under FIFRA section 3;

(2) A pesticide product that has been modified in compliance with the notification or non-notification provisions of §152.46 of this chapter, and any associated procedures issued under §156.10(e) of this chapter, regardless of whether such modification has been made for the pesticide product's registration under FIFRA section 3;

(3) A pesticide product initially registered by a State under FIFRA section 24(c), and whose Federal registration has not been disapproved by EPA under §162.164 of this chapter.

(c) The text of the labeling of the export pesticide product must be provided in English and, if applicable, the following foreign languages:

(1) The predominant or official language of the country of final destination, if known; and

(2) The predominant or official language of the importing country.

[78 FR 4077, Jan. 18, 2013]

### § 168.70 Unregistered export pesticide products.

(a) Any export pesticide product that does not meet the terms of §168.69 is an unregistered export pesticide product for purposes of this subpart.

(b) Each unregistered export pesticide product must bear labeling that complies with all requirements of this section and §168.66(b).

(1) The labeling must comply with all of the prominence and legibility requirements of §156.10(a)(2) of this chapter.

(2) The labeling must comply with all the language requirements in §§168.69(c) and 156.10(a)(3) of this chapter.

(3) The labeling must bear the following information:

(i) The name and address of the producer, in accordance with the requirements of §156.10(c) of this chapter;

(ii) The net weight or measure of contents, in accordance with the requirements of §156.10(d) of this chapter;

(iii) The pesticide producing establishment number, in accordance with the requirements of §156.10(f) of this chapter;

(iv) An ingredients statement, in accordance with the requirements of §156.10(g) of this chapter, except that:

(A) The ingredients statement need not appear in a second language besides English if English is the official or predominant language in the importing country and the country of final destination, if known; and

(B) An export pesticide product intended solely for research and development purposes, (and which bears the statement "For research and development purposes only. Not for distribution, sale, or use," or similar language) may bear coded ingredient information to protect confidentiality.

(v) Human hazard and precautionary statements in accordance with the requirements of subpart D of part 156 of this chapter. The statements must be true and accurate translations of the English statements.

(vi) The statement "Not Registered for Use in the United States of America," which may be amplified by additional statements accurately describing the reason(s) why the export pesticide product is not registered in the United States, or is not registered for particular uses in the United States.

(c) This section also applies to all unregistered pesticide products and devices that are intended solely for export and that are transferred, distributed, or sold between registered establishments operated by the same producer according to §152.30(a) of this chapter if:

(1) The transfer, distribution or sale occurs between a point in the United States and a point outside the United States, or

(2) The transfer occurs within the United States solely for the purpose of export from the United States.

[78 FR 4077, Jan. 18, 2013]

### § 168.71 Export pesticide devices.

(a) Each export pesticide device sold or distributed anywhere in the United States must bear labeling that complies with all requirements of this section and §168.66(b).

(b) The labeling of each export pesticide device must meet all of the prominence and legibility requirements of §156.10(a)(2) of this chapter.